

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	12-00160-01-CR-W-BCW
)	
ALBERT WILLIAM ROBERTS, III,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on April 13, 2016. Defendant Albert Roberts appeared in person and with Assistant Federal Public Defender Travis Poindexter. The United States of America appeared by Assistant United States Attorneys Gregg Coonrod and Kathleen Mahoney.

I. BACKGROUND

On May 23, 2012, an indictment was returned charging defendant with conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349, and five counts of bank fraud, in violation of 18 U.S.C. § 1343.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Coonrod announced that he and Kathleen Mahoney will be the trial counsel for the government. The case agent to be seated at counsel table is Tom Jackson, FBI,

and Erica Curp, a paralegal, will be assisting.

Mr. Poindexter announced that he will be the trial counsel for defendant Albert Roberts. Mark Wolpink, Investigator, and Troy Schnack, computer specialist, will assist.

III. OUTSTANDING MOTIONS

The following motions are currently pending for ruling by the district judge:

1. Motion in limine to preclude evidence or argument regarding fault of mortgage institutions, filed by the government on April 5, 2016 (#43)
2. Motion in limine, filed by defendant on April 8, 2016 (#47)
3. Motion regarding government's use of PowerPoint presentations and summary charts at trial, filed by the government on April 8, 2016 (#49).

IV. TRIAL WITNESSES

Mr. Coonrod announced that the government intends to call 20 witnesses without stipulations or 9 witnesses with stipulations during the trial.

Mr. Poindexter announced that defendant Albert Roberts intends to call 4 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Coonrod announced that the government will offer approximately 400 exhibits in evidence during the trial.

Mr. Poindexter announced that defendant Albert Roberts will offer approximately 20 exhibits in evidence during the trial.

VI. DEFENSES

Mr. Poindexter announced that defendant Albert Roberts will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Poindexter stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to general business records, wire transmissions, National Bank of Missouri checks, and bank activity.

IX. TRIAL TIME

Counsel were in agreement that this case will take 4 to 5 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed November 14, 2014, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by April 13, 2016;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, April 20, 2016;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, April 20, 2016. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated other than the ones listed above in the pending motions section. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on April 25, 2016. Defense counsel requested a setting on the second week of the trial docket or a special setting without continuing the case to the next docket, in order to have adequate time to go through the 400 exhibits listed on the government's exhibit list. Government counsel objects and requests the first week of the trial docket. Counsel stated that adequate time has been provided for defendant to go over exhibits, and the government has made arrangements to have out-of-town witnesses brought in for the first week of the trial docket.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
April 13, 2016